

(b) Under regulations prescribed by the Secretary of the Army, appropriate memorials or markers may be erected in Arlington National Cemetery to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

(Added Pub. L. 99-576, title IV, §413(a), Oct. 28, 1986, 100 Stat. 3284, §1009; amended Pub. L. 101-237, title III, §313(b)(5), Dec. 18, 1989, 103 Stat. 2077; renumbered §2409, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1009 of this title as this section.

1989—Subsec. (b). Pub. L. 101-237 inserted “of the Army” after “Secretary”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2411 of this title.

§ 2410. Burial of cremated remains in Arlington National Cemetery

(a) The Secretary of the Army shall designate an area of appropriate size within Arlington National Cemetery for the unmarked interment, in accordance with such regulations as the Secretary may prescribe, of the ashes of persons eligible for interment in Arlington National Cemetery whose remains were cremated. Such area shall be an area not suitable for the burial of casketed remains.

(b) The Secretary of each military department shall make available appropriate forms on which those members of the Armed Forces who so desire may indicate their desire to be buried within the area to be designated under subsection (a).

(Added Pub. L. 101-237, title V, §502(a), Dec. 18, 1989, 103 Stat. 2093, §1010; amended Pub. L. 102-54, §14(b)(22), June 13, 1991, 105 Stat. 284; renumbered §2410, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1010 of this title as this section.

Subsec. (b). Pub. L. 102-54 substituted “each military department” for “the military departments”.

§ 2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes

(a)(1) In the case of a person described in subsection (b), the appropriate Federal official may not—

(A) inter the remains of such person in a cemetery in the National Cemetery System or in Arlington National Cemetery; or

(B) honor the memory of such person in a memorial area in a cemetery in the National Cemetery System (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

(2) The prohibition under paragraph (1) shall not apply unless written notice of a conviction or finding under subsection (b) is received by the appropriate Federal official before such official

approves an application for the interment or memorialization of such person. Such written notice shall be furnished to such official by the Attorney General, in the case of a Federal capital crime, or by an appropriate State official, in the case of a State capital crime.

(b) A person referred to in subsection (a) is any of the following:

(1) A person who has been convicted of a Federal capital crime for which the person was sentenced to death or life imprisonment.

(2) A person who has been convicted of a State capital crime for which the person was sentenced to death or life imprisonment without parole.

(3) A person who—

(A) is found (as provided in subsection (c)) to have committed a Federal capital crime or a State capital crime, but

(B) has not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

(c) A finding under subsection (b)(3) shall be made by the appropriate Federal official. Any such finding may only be made based upon a showing of clear and convincing evidence, after an opportunity for a hearing in a manner prescribed by the appropriate Federal official.

(d) For purposes of this section:

(1) The term “Federal capital crime” means an offense under Federal law for which the death penalty or life imprisonment may be imposed.

(2) The term “State capital crime” means, under State law, the willful, deliberate, or premeditated unlawful killing of another human being for which the death penalty or life imprisonment without parole may be imposed.

(3) The term “appropriate Federal official” means—

(A) the Secretary, in the case of the National Cemetery System; and

(B) the Secretary of the Army, in the case of Arlington National Cemetery.

(Added Pub. L. 105-116, §1(a), Nov. 21, 1997, 111 Stat. 2381.)

EFFECTIVE DATE

Section 1(c) of Pub. L. 105-116 provided that: “Section 2411 of title 38, United States Code, as added by subsection (a), shall apply with respect to applications for interment or memorialization made on or after the date of the enactment of this Act [Nov. 21, 1997].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2408 of this title.

PART III—READJUSTMENT AND RELATED BENEFITS

Chap.		Sec.
30.	All-Volunteer Force Educational Assistance Program	3001
31.	Training and Rehabilitation for Veterans with Service-Connected Disabilities	3100
32.	Post-Vietnam Era Veterans' Educational Assistance	3201
34.	Veterans' Educational Assistance	3451
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37.	Housing and Small Business Loans	3701
39.	Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces	3901
41.	Job Counseling, Training, and Placement Service for Veterans	4100
42.	Employment and Training of Veterans	4211
43.	Employment and Reemployment Rights of Members of the Uniformed Services	4301

AMENDMENTS

1994—Pub. L. 103-446, title XII, §1201(h)(1), Nov. 2, 1994, 108 Stat. 4688, struck out item for chapter 42 and added identical new item for chapter 42.

Pub. L. 103-353, §2(b)(1), Oct. 13, 1994, 108 Stat. 3169, substituted "Employment and Reemployment Rights of Members of the Uniformed Services" and "4301" for "Veterans' Reemployment Rights" and "2021" in item for chapter 43.

1991—Pub. L. 102-83, §5(b)(2), Aug. 6, 1991, 105 Stat. 406, substituted "3001" for "1401" in item for chapter 30, "3100" for "1500" in item for chapter 31, "3201" for "1601" in item for chapter 32, "3451" for "1651" in item for chapter 34, "3500" for "1700" in item for chapter 35, "3670" for "1770" in item for chapter 36, "3701" for "1801" in item for chapter 37, "3901" for "1901" in item for chapter 39, "4100" for "2000" in item for chapter 41, and "4211" for "2011" in item for chapter 42.

Pub. L. 102-16, §9(c)(2), Mar. 22, 1991, 105 Stat. 55, struck out "Disabled and Vietnam Era" after "Employment and Training of" in item for chapter 42.

1984—Pub. L. 98-525, title VII, §702(a)(2), Oct. 19, 1984, 98 Stat. 2563, added item for chapter 30.

1982—Pub. L. 97-306, title III, §301(b)(2), Oct. 14, 1982, 96 Stat. 1437, substituted "2000" for "2001" in item for chapter 41.

Pub. L. 97-295, §4(35)(A), Oct. 12, 1982, 96 Stat. 1307, substituted "1500" for "1,500" in item for chapter 31.

Pub. L. 97-295, §4(35)(B), Oct. 12, 1982, 96 Stat. 1307, substituted "1651" for "1650" in item for chapter 34.

1981—Pub. L. 97-72, title III, §302(b)(2), Nov. 3, 1981, 95 Stat. 1059, substituted "Housing and Small Business Loans" for "Home, Condominium, and Mobile Home Loans" in item for chapter 37.

1980—Pub. L. 96-466, title I, §101(b), Oct. 17, 1980, 94 Stat. 2186, substituted "Training and Rehabilitation for Veterans with Service-Connected Disabilities . . . 1,500" for "Vocational Rehabilitation . . . 1501" in item for chapter 31.

1976—Pub. L. 94-502, title III, §309(b), title IV, §405, Oct. 15, 1976, 90 Stat. 2391, 2397, added item for chapter 32 and substituted "Survivors' and Dependents' Educational Assistance" for "War Orphans' and Widows' Education Assistance" in item for chapter 35.

1974—Pub. L. 93-569, §7(d), Dec. 31, 1974, 88 Stat. 1866, substituted "Home, Condominium, and Mobile Home Loans" for "Home, Farm, and Business Loans" in item for chapter 37.

Pub. L. 93-508, title IV, §404(b), Dec. 3, 1974, 88 Stat. 1600, added item for chapter 43.

1972—Pub. L. 92-540, title V, §§502(b), 503(b), Oct. 24, 1972, 86 Stat. 1097, 1098, substituted "Training and" for "and Employment" in item for chapter 41 and added item for chapter 42.

1971—Pub. L. 91-666, §2(b), Jan. 11, 1971, 84 Stat. 2000, substituted "Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces" for "Automobiles for Disabled Veterans" in item for chapter 39.

1968—Pub. L. 90-631, §2(h)(2), Oct. 23, 1968, 82 Stat. 1333, substituted "War Orphans' and Widows' Educational Assistance . . . 1700" for "War Orphan's Educational Assistance . . . 1701" in item for chapter 35.

1966—Pub. L. 89-358, §§4(c), 6(b), Mar. 3, 1966, 80 Stat. 23, 27, added item for chapter "34. Veterans' Educational Assistance . . . 1650", struck out item for chapter "33. Education of Korean Conflict Veterans . . .

1601" and added item for chapter 36; and substituted "Job Counseling and Employment Placement Service for Veterans" for "Unemployment Benefits for Veterans" in item for chapter 41.

1965—Pub. L. 89-50, §1(b), June 24, 1965, 79 Stat. 173, struck out item for chapter 43 "Mustering-Out Payments".

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 42 section 3013.

CHAPTER 30—ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM

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Sec.	
3001.	Purposes.
3002.	Definitions.

SUBCHAPTER II—BASIC EDUCATIONAL ASSISTANCE

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3021.	Supplemental educational assistance for additional service.
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3031.	Time limitation for use of eligibility and entitlement.
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AMENDMENTS

1996—Pub. L. 104-275, title I, §106(b)(1), Oct. 9, 1996, 110 Stat. 3329, added item 3018C.

1992—Pub. L. 102-484, div. D, title XLIV, §4404(b)(1), Oct. 23, 1992, 106 Stat. 2706, added item 3018B.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1401 to 1436 as 3001 to 3036, respectively.

Pub. L. 102-54, §14(c)(2), June 13, 1991, 105 Stat. 285, substituted "subchapter" for "chapter" in item 1423.

1990—Pub. L. 101-510, div. A, title V, §561(a)(2), Nov. 5, 1990, 104 Stat. 1573, added item 1418A.

1988—Pub. L. 100-689, title I, §§101(b), 103(c), 107(a)(3), Nov. 18, 1988, 102 Stat. 4162, 4166, 4168, added items 1417 to 1419.